

**YADKIN COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MINUTES**  
**Monday, November 16, 2009**

The Yadkin County Board of Commissioners met in Regular Session on Monday, November 16, 2009, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, North Carolina.

**Present were:**

Chairman Chad Wagoner  
Vice Chairman Kevin Austin  
Commissioner Tommy Garner  
Commissioner David Moxley  
Commissioner Brady Wooten

**Staff present:** County Attorney, James Graham; Interim Manager, Jim Haynes; and Clerk to the Board, Gina Brown.

**CALL TO ORDER** by Chairman Wagoner at 7:00pm.

**INVOCATION** led by James Graham.

**PLEDGE OF ALLEGIANCE** led by Stuart, Jordan, and Jackson Gentry. These brothers all attend Yadkinville Elementary School. Stuart, a 5<sup>th</sup> grade student, reported that the best part of school was changing classes and having lockers. Jordan, a 2<sup>nd</sup> grade student, reported that his teacher is Ms. Cook and things are just as "usual" in the second grade. Jackson, a kindergarten student, reported that he likes school. The audience applauded the Gentry brothers.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

**Commissioner Wooten made a motion to enter a closed session per NCGS 143.318-11 (a) (3) for consultation with attorney. Vice Chairman Austin second.**

**Vote: 4/1 (Garner against)**

**Commissioner Moxley made a motion to end the closed session. Vice Chairman Austin second.**

**Vote: 5/0**

The following adjustments to the agenda were requested:

1. Chairman Wagoner – a closed session at the end of the regular meeting.
2. Commissioner Wooten – a jail committee report in Section XVI.
3. Clerk Brown – the setting of 2 public hearings in Section IX.

**Vice Chairman Austin made a motion to approve the agenda with the noted adjustments. Commissioner Moxley second.**

**Vote: 5/0**

### **PUBLIC COMMENTS**

Public Comments portion of the meeting opened at 7:24pm.

Diane Doub, East Bend, appeared before the Board. Since recent reports to the Board of farm animals in distress, Ms. Doub has been in touch with Lieutenant Hamby of the Yadkin County Sheriff's Office. Concerns were addressed immediately. Ms. Doub expressed that she and others are very thankful for the resource. She thanked the Board for listening to her concerns and pointing her in the right direction. Ms. Doub remarked that an animal officer is still needed for Yadkin County but she is not prepared to present further information on that issue at this time.

Peggy Boose, Boonville, appeared before the Board to provide information from a recent meeting of the Region I Aging Advisory Committee. Ms. Boose stated that much information was distributed in the 2 ½ hour meeting. Specifically, Ms. Boose reported the following:

1. Information will be distributed through the senior centers advising seniors on accessing important information. Ms. Boose may make presentations at the Jonesville, East Bend, and Yadkinville senior centers as well.
2. A Home and Community Block Care Grant was established in 1992 to meet a variety of needs of seniors. A survey of all providers associated with this grant revealed that clients are becoming more vulnerable with an increasing

amount of serious medical concerns and issues and the waiting list continues to grow. Seniors that cannot afford private-duty nursing must rely on government programs. Medicare covers home health for only 2 months when a number of seniors require extended home health care. Family members and elderly spouses become caretakers; resulting in cases of abuse and neglect.

3. The HCBG funds provide only 1/3 of the need in North Carolina. The counties of this local region are holding fundraisers just to meet the necessities. Counties are not compensating for the loss of State funds.
4. Each program should be assessed for its effectiveness and adjustments should be made accordingly, but determining which programs have a lesser need is a difficult task. At this time, 2 hot meals per week have been replaced with 2 frozen meals. Meal services are not offered on Fridays. Citizens under 60 years of age, regardless of physical or mental disability, are no longer served. Full time senior center staff has taken a 16% reduction in pay. There are 14,000 seniors on the waiting list for HCBG services and 81% of all centers have reported an increased demand.

In addition, Ms. Boose reported that of 38,000 citizens, 6080 are over age 65. This represents 16 %, compared to the State average of 12%. There are 1270 citizens between the ages of 60 and 64. Yadkin County has 14,487 families with less than 1000 of those families earning more than \$100,000 per year.

Ms. Boose encouraged the Board to consider the citizens that have worked hard throughout their lives and to put their needs above the needs of criminals and a jail facility.

Public Comments portion of the meeting ended at 8:41pm.

### **APPROVAL OF MINUTES**

**Commissioner Wooten made a motion to approve the November 2, 2009 Regular Meeting Minutes and the November 2, 2009 Closed Session Minutes as presented. Commissioner Moxley second.**

**Vote: 5/0**

## **SPECIAL APPEARANCE BY JUDGE JOHN O. CRAIG, III**

The following is a transcript of Judge Craig's remarks...

"Thank you for allowing me to come before this Board tonight. I see that it is labeled as being a hearing before you, but it's really not that. It's more simply a brief message that I wish to convey to you. I am here to announce that I feel it is necessary to conduct a show cause hearing in Yadkin County Superior Court. I have set a date of January 8, 2010 and in that hearing we will hear evidence and testimony as to why the court's order to build a new jail in Yadkin County has not been complied with to date. I will prepare a formal order in the upcoming weeks and each of you will be served a copy along with a subpoena requiring your attendance. Now, at this hearing, as I said, I will receive evidence and testimony in order to determine if this Board or any of its individual members should be held in contempt for failure to perform your duties in violation of your oaths of office to properly conduct the County's business and failure to uphold the Constitution and laws of this State. I will make specific inquiries into the steps taken by this board to comply with the court's orders that go all the way back to December of 2006 as well as the failure to begin construction at the site which was voted upon by the Board.

I have a few things that I wish to point out because I think they will be relevant in discussing them at the hearing. Despite the litigation that has surrounded the Hoots Road site, there is no court order or injunction in place that would hinder the County from commencing construction at that site. During the time that this Board has been under my orders to move forward with construction of a jail, and I think I put in the order the words 'with all deliberate speed', I am aware that the County has incurred a number of expenses for which the taxpayers have thus far received no benefit due to the stalled project. One item I do not have a cost for or figure for is the cost of the comprehensive study for the jail by the company known as Solutions for Local Government, Inc., but I do have figures for just about everything else. The payment to Moseley Architects, the architectural firm that has drawn up the plans, came to \$490,413.16. The land survey for the jail site was \$9,747.50. The environmental site work \$22,560. The attorney costs associated with the loan from RBC Bank \$111,431. The financial advisory for the loan \$25,596.29. Attorney defense costs for the Hoots Road litigation thus far have totaled

\$83,876.05. Costs for the plumbing materials for the jail that have already been ordered are \$84,000. The County has paid \$257,000 on the \$7 million loan from RBC Bank to build a jail of which \$124,000 has been interest. I've been informed by Mr. Graham that there is a distinct possibility that the County may be forced to pay RBC's income tax on the interest amount if the money isn't used by a certain date because IRS regulations do not allow RBC to earn this money tax free unless it is used by a certain time. There is an expiration date coming up on November 30, 2009 of the Surety Company bond for the contractor that was the low bidder on the project. There has been an expenditure of \$21,000 at the old jail in an effort to get air conditioning going into parts of it. And finally, there's the forced expenditure that Sheriff Cain provided me figures on. These figures run from July 1, 2006 to the present of \$879,453.85 by the Sheriff to rent jail cells from other counties due to inadequate space at the Yadkin County jail or the fact that the State has closed the jail for long periods of time due to its uninhabitable condition. So in sum, this County has expended over \$1.735 million in taxpayer money over the last 3 years when a jail could have been built in that time.

At this point, talk of alternative sites and alternative designs will be disfavored by me due to the sustained inaction of the board on the jail issue. The time is fast approaching for the Board to break ground on a new jail, which from everything I know, appears to be 'shovel ready' or almost 'shovel ready', certainly. Now I have tried to stay out of the Board's way as it wrestled over locations and designs but neither I nor this Board can disregard the critical need for this County to have a new jail. I have heard rumors of building a temporary facility or modular units. If the Board wishes to go in this direction for expediency's sake and to assist Sheriff Cain in easing an intolerable situation, I will not stand in the way; except I would only allow this if the construction of a permanent facility goes forward simultaneously. I also would note that the funds that are available through the RBC loan, in all likelihood, cannot be used in the construction of a temporary facility. I'm sure the bank loan documents would not allow this scenario anyway. But, of course, it goes without saying that the necessary State agencies would also have to give their advance approval for such a temporary facility and I frankly do not know if they would do so.

My last words are this; violation of my long-standing order of mandamus gives me a wide range of possible sanctions. These include fines against individual Board members, removal from office, incarceration of Board members for contempt of court until the jailed persons purge themselves of contempt by affirmatively agreeing to properly carry-out the duties of their office and to get the jail project under way without further delay. Now, it gives me no pleasure what-so-ever to threaten this or even consider the possibility of sanctions in this matter but I, too, gentlemen, have a duty in seeing that the proper administration of justice and the smooth functioning of the court system in this county is not compromised. You, on the other hand, have a duty to the citizens and taxpayers of Yadkin County. No one likes to spend money on a jail project even one that appears to be shovel ready, but it is an obligation that all counties must bear and it has been that way since the inception of the United States of America and the founding of the State of North Carolina. I do not know why things are being stalled and why it has taken so long but I do intend to get to the bottom of it on January 8; and that is why I'm going to hold this hearing at that point. I wanted to give you as much advanced notice as possible so that you can prepare for it and that's why I took the unusual step of coming to you personally and telling you this at the meeting. I'll entertain any questions you might have. Otherwise, I will take your leave and let you get back to the County's business."

Commissioner Garner noted that Judge Craig is no longer in the Yadkin County district and asked how this affected the court order of 2006. Judge Craig replied that the original court order of December 2006 expressly stated that he retained jurisdiction of the matter thereby allowing him to see the issue through to its completion.

Chairman Wagoner remarked that the Board will defer questions until the January 8, 2010 hearing upon advice from counsel. Judge Craig reiterated that he did not appear before the Board to take a certain position, only to deliver a message and to inform the Board of what can be expected on January 8. Chairman Wagoner thanked Judge Craig for appearing.

## **PUBLIC HEARING**

Chairman Wagoner noted the need for public hearings on the following issues:

1. Parcel #5806060276 of 1.58 acres off Memorial Road in South Liberty Township from RL to RG.
2. Administrative text amendment to the Yadkin County Subdivision Ordinance.

**Commissioner Wooten made a motion to set public hearings for the rezoning of parcel #5806060276 and a proposed text amendment to the Yadkin County Subdivision Ordinance for Monday, December 21, 2009 at 7:00pm. Commissioner Garner second.**

**Vote: 5/0**

## **BOARD APPOINTMENTS**

There were no board appointments during today's meeting.

## **BOARD REPORTS/REQUESTS**

1) Major Danny Widener of the Sheriff's Office appeared before the Board for the following requests:

A. Participation in the SCAAP program netted \$10,094. These funds can only be used for repairs. Major Widener requested these funds be applied to the sandblasting and repainting of the cell bars. It was noted that upgrades on the smoke evacuation system would be required but addressed at a later time.

**Commissioner Wooten made a motion to accept the SCAAP grant funds and apply to the sandblasting and repainting of the cell bars. Commissioner Garner second.**

**Vote: 5/0**

Chairman Wagoner asked if Yadkin County would remain eligible for SCAAP funds with prisoners housed out of county. As Yadkin County continues to fund the out of county housing, Major Widener feels that SCAAP funds will continue.

B. Major Widener asked for the creation of a new position for the Sheriff's Office entitled IT – Public Safety. The Sheriff's Office has ongoing technology projects and needs that cannot be met by the current IT staff due to workload. Major Widener proposes to use funds from an open communications position for the new IT position through the remainder of this budget year.

**Commissioner Garner made a motion to approve the creation of a position entitled IT – Public Safety and authorize the Sheriff's Office to fill the position. Vice Chairman Austin second.**

**Vote: 5/0**

C. Major Widener reported that the Board had previously discussed paying overtime for communication staff as opposed to offering compensatory time. However, this had not been implemented. Major Widener asked the Board to take action on this issue at this time.

**Commissioner Wooten made a motion to approve a personnel policy removing compensatory time and adding the payment of overtime for communications staff only. Commissioner Garner second.**

**Vote: 5/0**

2) Interim Manager Haynes noted the Agreement for County Based Aging Services. Mr. Haynes stated the agreement outlines the administration of additional ARRA funds.

**Vice Chairman Austin made a motion to approve the Agreement for County Based Aging Services as presented. Commissioner Garner second.**

**Vote: 5/0**

### **MANAGER REPORTS/COMMENTS**

Interim Manager Haynes reported that the current lease agreement with Crossroads Behavioral Healthcare requires County approval for any alterations or modifications to its facility on Lee Avenue in Yadkinville. Interim Manager Haynes has inspected the proposed alterations and has no



issues with the requests. Mr. Haynes plans to approve the modifications unless the Board has objections. No objections were offered.

## **CALENDAR NOTES**

Chairman Wagoner noted the calendar events as presented on the agenda.

*Chairman Wagoner called for a recess at 8:09pm. Meeting resumed at 8:26pm.*

## **COMMISSIONER COMMENTS**

Commissioner Wooten had these additional comments:

1) Board members received a copy of a letter from Sheriff Cain dated August 26, 2009. Commissioner Wooten read from the letter as follows:

"I am asking this Board, all of you, for someone to make a motion tonight if possible to have Mr. Wooten to take over this endeavor and secure us a jail from these people and to place this jail beside the present jail, and have it up and running as soon as humanly possible."

Commissioner Wooten noted that a motion was made by Commissioner Garner as Sheriff Cain requested but the motion failed for a lack of a second. Later, on September 9, 2009, the Board took legislative action to establish a jail committee and to move the jail issue in a new direction. When approved as the Chairman of the jail committee, Commissioner Wooten felt it was his obligation to resolve the jail issue with all deliberate speed. Reduced construction time, less cost, and board approval will bring a resolution to the jail issue.

Chairman Wagoner had asked the jail committee to consider long term facility planning in their research. Commissioner Wooten stated that facility planning is very important and that Yadkin County is at a crossroads in that regard. Facility planning requires site development, needs assessments, and environmental review. Architectural issues, long-range maintenance, and sensitivity to historic preservation must all be considered in the planning process. This type of evaluation would require technical or professional assistance. In addition, the committee reviewed a resolution from the town of

Yadkinville regarding a downtown location of the jail facility and reviewed 30 potential sites. Members of the jail committee traveled to Pelham, Georgia to view a modular facility. After a complete review, it was the consensus of the committee to construct in a downtown location.

Commissioner Wooten provided samples of materials that would be used in a modular facility including the wall paneling, flooring, insulation, and ceiling. Commissioner Wooten noted that the insulation material meets the Department of Energy requirements. The materials carry a long life expectancy and can provide short-term or long-term solutions for housing.

Commissioner Wooten presented each member with 2 potential floor plans for a modular facility. Commissioner Wooten stated that either facility would have a resell value of 65% with 5 years of use or less.

Plan A offers many options, including the addition of a basement for storage. This plan would fit beside the existing jail. The Plan A design would serve as a temporary facility for a period up to 5 years while the planning of a government complex continued. A lease would be established at \$27,000 per month for 60 months.

Plan B also offers multiple options, including the addition of office space for the Sheriff and a basement for storage. Plan B would provide 76 beds and have a 15 to 25 year life. Major Widener had suggested using the existing jail in conjunction with a new jail; perhaps housing female prisoners on the first floor or both floors of the existing jail with males only in the new facility.

Commissioner Wooten stated that the jail committee had worked diligently for 8 weeks to devise a jail plan that will meet the needs of the County and its citizens. Commissioner Wooten does not feel that there are quality issues. Commissioner Wooten remarked that he had seen a modular facility and it does work.

Commissioner Wooten presented a proposed budget ordinance for Plan B with 76 beds. A total of 105 beds would be available including the 29 beds of the existing jail. Commissioner Wooten stated this plan is the most economical solution and could be complete within a reasonable amount of time. The

project ordinance includes a lease agreement for \$35,979 per month. Estimated costs include a basement and a brick exterior.

**Vice Chairman Austin made a motion to adopt the Capital Project Ordinance for Plan B: A 76 Bed Modular Jail. Commissioner Wooten second.**

Chairman Wagoner, having no prior notice of this ordinance, commented that he could not review the ordinance on a moment's notice and could not possibly make a decision at tonight's meeting. Commissioner Wooten stated that a decision is needed at today's meeting to prevent any further delay and that continued delay is the cause of the upcoming subpoena from Judge Craig. Chairman Wagoner asked Commissioner Wooten how he intended to comply with Judge Craig's directive to continue with a permanent facility simultaneously. Commissioner Wooten deferred to Attorney Graham.

Attorney Graham replied that this issue would have to be addressed by the judge as the judge specifically stated plans for a temporary facility would be considered only if permanent construction was simultaneous. Vice Chairman Austin asked if this was a legislative action. Attorney Graham responded that the motion on the ordinance is a legislative action of this Board, but that this Board remains under court order to follow through with previous legislative decisions. Plans for a temporary facility must be approved by Judge Craig. Commissioner Wooten offered that the proposed plan is not a temporary facility and designed for 15-25 years of life. Commissioner Moxley noted that authorities in Pelham, Georgia reported that their similar facility was a 5-10 year solution. Commissioner Wooten contended that, properly maintained, the modular construction will have a 25 year life.

Vice Chairman Austin commented that the modular proposal will allow the Sheriff's needs to be met quickly. The Hoots Road jail project can continue independently of this proposal. Commissioner Garner offered that this is not the best use of taxpayer money. Vice Chairman Austin believes it is the best solution under the circumstances. Attorney Graham pointed out that the modular project would still be subject to the competitive bid process.

Commissioner Moxley noted that the proposed modular jail has a square footage of 9,860, which is 1/3 the size of the Moseley design. The modular facility will cost \$450 per square foot for 9,860 while the Moseley design will

cost only \$277 per square foot. Vice Chairman Austin remarked that it cost nothing to do nothing but that does not make it the correct solution. Commissioner Wooten noted that the Moseley design will cost \$76,000 per bed while the modular design, in conjunction with 29 beds of the existing jail, will cost \$42,323 per bed. Chairman Wagoner pointed out that the number of existing beds was not used in calculating the per bed cost of the Moseley project and, therefore, not a comparable comparison. Further, Chairman Wagoner stated that the Moseley design offers 3 times the jail size at less than double the cost per square foot.

Chairman Wagoner asked if the jail committee had contacted DHHS to determine the procedure for approving the modular plans and the time that would be required for approval. Commissioner Wooten responded that the jail committee has not contacted DHHS at this point. Chairman Wagoner also asked about the financing for the modular project. Commissioner Wooten reported that the LGC confirmed that the RBC loan could be used for jail construction in any other location. Attorney Graham noted that the substitution would be a decision of the lender, not the LGC. Vice Chairman Austin stated that a lender is not allowed to include a “no substitutions” clause in its finance agreements per North Carolina General Statutes.

Commissioner Wooten quoted a member of the jail committee stating that the jail issues should be resolved and the project underway so that the County is no longer a laughing stock and can return to business as usual. Commissioner Wooten did not reveal the source of the statement. As a member of the jail committee, Commissioner Moxley was asked for his opinion. Commissioner Moxley feels that the modular structure is a temporary solution and not economical based on the square footage cost. Though the location may not be the most ideal, Commissioner Moxley does not feel that the modular proposal is the best use of taxpayer money. Vice Chairman Austin asked if the committee had explored placing the Moseley design in a downtown location. Commissioner Moxley reported that the jail committee discussed it briefly but not to the degree of determining cost.

Chairman Wagoner asked for the input of jail committee members, Gray Garrison and Bodie Wingler. Mr. Garrison, Mr. Wingler, and Sheriff Cain approached the front of the room to participate in the discussion.

Mr. Garrison made the following comments:

1. On behalf of the Committee, Mr. Garrison commended Commissioner Wooten for his due diligence on this project.
2. The committee was unanimous that the jail should be built in a downtown location, *if possible*.
3. Mr. Garrison did not have enough information to recommend a modular unit at this time.
4. According to the available figures, Mr. Garrison feels that a modular unit would be cost prohibitive compared to traditional construction.
5. The committee could not agree on the definition of short term and long term and how it applied to modular construction.
6. Mr. Garrison expressed concerns for a modular 5 year structure at a cost of \$4.4 million and stated that this would not be good use of taxpayer dollars.
7. Mr. Garrison believes the County should pursue a modified Moseley design that will work in a downtown location. Mr. Garrison believes that a brick and mortar building could be constructed quickly in today's market.

Mr. Wingler made the following comments:

1. The current Moseley design offers more square footage than necessary.
2. The current design could be reduced by 30-35% at a cost savings of \$2 million. The \$2 million savings could be applied to modify the existing 29 bed jail that could be in operation within 90 days.
3. A new downsized facility would then be suitable for a downtown location.
4. Mr. Wingler stated that the committee did not have adequate information in order to recommend a modular facility. Further, Mr. Wingler stated that he would not be content as a committee member to recommend a temporary solution only to move forward with a government complex shortly thereafter.

Commissioner Wooten suggested that redesign could take up to a year to complete. Mr. Wingler acknowledged that there are certain State guidelines but that a modification to an existing plan would move through the process much quicker than a new design. In addition, Mr. Wingler reported that the committee had not seen any document or figures that will allow them to make a side by side comparison of a modular facility versus a brick and mortar. Mr. Wingler feels that the modular plan would require 70-80% of the same cost with only a temporary structure as a result. Mr. Garrison added that he and

Mr. Wingler had not visited the Pelham, Georgia site and could not comment on its condition or sustainability. Commissioner Wooten stated that his proposal is not classified as a temporary structure and that there seemed to be some disconnect on the term of temporary. Mr. Wingler reiterated Judge Craig's earlier comments that he would not look favorably on a modular facility. Commissioner Wooten stated that the Board can change its previous legislative action that is under court order.

Chairman Wagoner restated the current motion...

**Vice Chairman Austin made a motion to adopt the Capital Project Ordinance for Plan B: A 76 Bed Modular Jail. Commissioner Wooten second.**

**Vote: 2/3 (Motion failed with Wagoner, Moxley, and Garner against)**

Brief discussion followed. It was the consensus of the Board that the jail committee will contact Moseley Architects regarding a modified plan that could be located beside the existing jail, a time frame for this modification, required permits, and cost adjustments.

Sheriff Cain expressed concerns that he, too, could be held in contempt as a member of the jail committee. Attorney Graham advised that the court order applies only to the current Board.

2) Commissioner Wooten noted previous discussions regarding a water operator for the County and asked the Interim Manager and utility committee to move forward on this matter.

Commissioner Moxley had no additional comments at this time.

Commissioner Garner had no additional comments at this time.

Vice Chairman Austin had these additional comments:

(1) A professional consultant has been contacted to investigate the roof and ceiling of the courthouse in hopes to prevent further leaking. Once a proposal is prepared, it will be presented to the Board for approval.

(2) The lease agreement with YVEDDI for the Community Services Building expired in 2002. There continue to be repair and maintenance issues that must be addressed. The County should engage conversations with YVEDDI to resolve the lease issues.

(3) The Board had previously agreed to consult a 3<sup>rd</sup> party engineer to evaluate the Highway 21 waterline issues. Vice Chairman Austin asked for an update regarding this matter. Attorney Graham responded that a meeting with an engineer has been scheduled.

(4) Vice Chairman Austin noted North Carolina General Statute 160A-167 which states that County funds may be used to provide group or individual counsel for civil or criminal matters relating to the business of the County.

**Vice Chairman Austin made a motion per North Carolina General Statute 160A-167 that the County will pay for individual counsel chosen by each commissioner for any hearings called for by Judge Craig. Commissioner Wooten second.** Commissioner Wooten commented that each Board member would need an individual attorney. Attorney Graham requested time to research the statute.

**Vice Chairman Austin made a motion to postpone action on the motion per North Carolina General Statute 160A-167 that the County will pay for individual counsel chosen by each commissioner for any hearings called for by Judge Craig. Commissioner Wooten second.**

**Vote: 5/0 to postpone**

Chairman Wagoner had these additional comments:

(1) Chairman Wagoner stated the utilities committee has been working with the Town of Yadkinville on a water and sewer agreement for the Hoots Road site and asked for the status of this process. Ken Larking, Yadkinville Town Manager, spoke from the audience stating that an agreement has been developed. The Town Board has reviewed the agreement and established parameters for the County. The County has yet to respond to those parameters. Chairman Wagoner pointed out an earlier offer to purchase the Hoots Road property under the condition that public water and sewer is made

available. Chairman Wagoner stated that regardless of the facility that is constructed or the sale of the Hoots Road property, an agreement must be in place for water and sewer service. Chairman Wagoner charged the committee with resolving this issue expeditiously.

(2) Chairman Wagoner offered a “hats off” to the Town of East Bend for approving the sale of alcohol.

Attorney Graham had no additional items for discussion.

Commissioner Wooten offered one final note regarding Piedmont Authority for Regional Transportation stating that revenues from vehicle rental have declined over the last 12 months. It was proposed that the business community is not relying on rental vehicles as in the past.

**Chairman Wagoner made a motion to enter a Closed Session for a personnel matter per NCGS 143-318.11 (a) (6). Commissioner Wooten second.**

**Vote: 5/0**

**Vice Chairman Austin made a motion to end the Closed Session.**

**Commissioner Moxley second.**

**Vote: 5/0**

**Chairman Wagoner made a motion to recess until Wednesday, November 18, 2009 at 9:00am. Vice Chairman Austin second.**

**Vote: 5/0**

Meeting adjourned at 10:15pm.

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Prepared by Clerk to the Board

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Date Approved by the  
Yadkin County Board of Commissioners